

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND;)
and CHARLES A. WHOBREY, as Trustee,)
)
 Plaintiffs-Judgment Creditors,) Case No. 13 C 2197
)
v.) Honorable James B. Zagel
) District Judge
)
HENRY TIMME, an individual; and)
TIMME LAND COMPANY, LLC,)
a Wisconsin limited liability company,)
)
 Defendants-Judgment Debtors.)

PLAINTIFFS' MOTION TO REVIVE JUDGMENT

Plaintiffs, through their attorneys, move this Court for revival of the Judgment entered against Defendant, Henry Timme. In support thereof, Plaintiffs state as follows:

1. Plaintiffs instituted this lawsuit against Defendants seeking withdrawal liability due to the Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund") as a result of a complete withdrawal from the Pension Fund.
2. This Court entered a Judgment on June 3, 2014, in favor of Plaintiffs and against Defendant Henry Timme, in the total amount of \$642,125.33 for withdrawal liability, interest, and statutory damages, plus post-judgment interest from the date of the judgment computed and charged on the entire judgment balance at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the interest is charged compounded annually. (Document #: [42](#) Filed: 06/03/14) (A copy of the Judgment is attached hereto as Exhibit 1.)

3. The Judgment remains unsatisfied.

4. Rule 69 of the Federal Rules of Civil Procedure directs that Illinois law controls the manner in which judgments entered by this Court are executed. Under [735 ILCS 5/12-108](#), judgments may not be enforced beyond seven (7) years after the initial entry of judgment, unless revived as provided under 735 ILCS 5/2-1601 and in accordance with [735 ILCS 5/2-1602](#). A judgment may be revived by filing a petition in the original case in which the judgment was entered and providing notice of the petition to interested parties. [735 ILCS 5/2-1602\(b\) and \(c\)](#).

5. Plaintiffs submit this Motion as the petition contemplated by Illinois law and further submit that interested parties have been notified of this Motion as evidenced by the Certificate of Service attached hereto.

6. To date, the outstanding balance on the Judgment is \$480,582.33 (consisting of \$358,493.66 in principal and \$122,088.67 in post-judgment interest calculated through April 15, 2021).

7. Plaintiffs request that the Judgment be revived in accordance with [735 ILCS 5/2-1602](#) against Defendant Henry Timme.

8. Along with this Motion, Plaintiffs submit a proposed Order Reviving Judgment, a copy of which is attached hereto as Exhibit 2 and will be submitted electronically to the Court's proposed order inbox once the case has been reassigned to a new Judge.

WHEREFORE, Plaintiffs seek revival of the Judgment entered against Defendant Henry Timme on June 3, 2014, in accordance with the Federal Rules of Civil Procedure and [735 ILCS 5/2-1602](#).

Respectfully submitted,

/s/ Anthony E. Napoli

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April 2, 2021

CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for Plaintiffs, certify that on April 2, 2021, I caused the foregoing Plaintiffs' Motion to Revive Judgment to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

/s/ Anthony E. Napoli

Anthony E. Napoli

Attorney for Plaintiffs